

REMARKS

Claims 1-24 and 26-38 are pending. New claims 35-38 have been added. Claims 1, 7, 18, and 24 are in independent form. Favorable reconsideration and further examination are respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 1, 7, 18, and 24 were rejected under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter. As best understood, the rejections contend that claims 1, 7, 18, and 24 do not conclude with a statement that produces tangible results. The rejection also contends that claims 18 and 24 are deficient for reciting the conditional “if” without including an additional statement.

Applicant has amended claims 1, 7, 18, and 24 to recite that data assemblies (or portions of data assemblies) are made available for distribution, either after operations have been performed thereof or in response to satisfying a condition. An additional statement following the conditional “if” has thus been added to claims 18 and 24. Thus, claims 1, 7, 18, and 24 recite a useful, concrete, and tangible result. Moreover, new claims 35-38 recite additional useful, concrete, and tangible results.

Applicants therefore request that these rejections of claims 1, 7, 18, and 24 under 35 U.S.C. § 101 be withdrawn.

Claims 7, 18, and 24 were also rejected under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter for reciting computer program products that are stored on computer-readable media. To address the Examiner's concerns, Applicants have amended these claims to recite computer program products that are stored on "computer-readable storage devices."

Please note that Applicants have not amended the claims to recite that the computer program products are "executed by a storage device," as suggested in the Office action. In this regard, Applicant submits that it is clear that the recited processors perform operations, not storage devices. If it would advance prosecution, the Examiner is respectfully invited to telephone Applicants' representative to discuss this or any other issue.

Applicants therefore request that these rejections of claims 7, 18, and 24 under 35 U.S.C. § 101 be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-34

Claims 1-34 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2006/0149407 to Markham et al. (hereinafter "Markham"). The rejections cite to paras. [0041]-[0252] of Markham as allegedly describing every element of every claim. These paragraphs represent over 46 columns of text.

Both 35 U.S.C. § 132 and 37 C.F.R. § 1.104(2) require that the reasons for any adverse action be stated in an Office action. The repeated citations to paras. [0041]-[0252] are simply insufficient to provide Applicant with any basis for judging the propriety of continuing prosecution. The rejections of claims 1-34 under 35 U.S.C. § 102(e) are thus facially deficient.

Applicants respectfully request that these rejections be withdrawn. Further, Applicants respectfully request that the reasons for the rejection of any claim be set forth in such a manner sufficient for Applicant to judge the propriety of continuing prosecution.

To advance prosecution, the improprieties of the individual rejections are now discussed.

Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Markham.

As amended, claim 1 relates to a method implemented using a data processing device. The method includes, in anticipation of distribution of a data assembly, adding redundant data to the data assembly based on a characteristic of a component of a data management system targeted for receipt of the data assembly, and making the data assembly including the redundant data available for distribution to the component.

Markham is not understood to disclose or to suggest features of claim 1. In this regard, Markham is not understood to disclose or to suggest a method implemented using a data processing device that includes adding redundant data to a data assembly based on a characteristic of a component of a data management system targeted for receipt of the data assembly, much less adding the redundant data in anticipation of distribution of the data assembly, as recited in claim 1.

Rather, Markham describes an information system for the tracking production information from management facilities. *See, e.g., Markham*, paras. [0041]. The system collects, stores, and reports production information on an event basis. *Id.* Events are incidents that may affect the productivity of a process or machine in use to produce a product, or the

quality of the product. *See Markham*, paras. [0042]. In Markham, a PIPE Event Logger 58 monitor event triggers and can format and record event data in a database. *See Markham*, paras. [0207]. PIPE Event Logger 58 can also log a backup, e.g., when a server or communication line is down. *Id.*

There is nothing in Markham that describes or suggests that PIPE Event Logger 58, or any other system in Markham, adds redundant data to an event based on a characteristic of a component of a data management system targeted for receipt of the event, as recited in claim 1. To begin with, under normal operating conditions, Markham's PIPE Event Logger 58 logs events in a single database. Applicant is at a loss to understand why redundant data would be added based on a characteristic of such a database. Indeed, a text search of Markham finds no mention of "redundant data" whatsoever, much less in the context of reporting events. Thus, the Office's burden of establishing anticipation has not been met.

Accordingly, claim 1 is not anticipated by Markham. Applicants thus request that the rejections of claim 1 and the claims dependent therefrom be withdrawn on this ground as well.

Claim 7

Claim 7 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Markham.

As amended, claim 7 relates to a computer program product, tangibly stored on one or more computer-readable storage devices. The computer program product comprises instructions. The instructions are operable to cause one or more processors to perform operations. The operations include receiving first valuation information describing results of a first evaluation of the appropriateness of distributing a portion of a data assembly to a first component in a data

management system, modifying the data assembly for distribution based on the first valuation information, making the modified data assembly available for distribution to the first component, receiving second valuation information describing results of a second evaluation of the appropriateness of distributing a portion of the data assembly to a second component in the data management system, modifying the data assembly for distribution based on the second valuation information, and making the modified data assembly available for distribution to the second component.

Markham is not understood to disclose or to suggest features of claim 7. In this regard, Markham is not understood to disclose or to suggest modifying a data assembly for distribution based on first and second valuation information, as recited in claim 7.

Rather, as discussed above, under normal operating conditions, Markham's PIPE Event Logger 58 logs events in a single database. Applicant is at a loss to understand why such logging would involve first and second valuation information describing results of first and second evaluations, much less modifying a data assembly for distribution based on such first and second valuation information. Since no reason for believing that such valuation information is described in Markham has been set forth, the Office's burden of establishing anticipation has not been met.

Accordingly, claim 7 is not anticipated by Markham. Applicants thus request that the rejections of claim 7 and the claims dependent therefrom be withdrawn on this ground as well.

Claim 18

Claim 18 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Markham.

As amended, claim 18 relates to a computer program product, tangibly stored on one or more computer-readable storage devices. The computer program product comprises instructions. The instructions are operable to cause one or more processors to perform operations. The operations include receiving historical distribution information for a data assembly, the historical distribution information identifying one or more components of a data management system that have previously received some version of the data assembly, determining if distribution of at least a portion of a current version of the data assembly to a target component of the data management system is warranted based on the historical distribution information, and making at least the portion of the current version of the data assembly available for distribution to the target component in response to determining that distribution is warranted.

Markham is not understood to disclose or to suggest features of claim 18. In this regard, Markham is not understood to disclose or to suggest determining if distribution of at least a portion of a current version of the data assembly to a target component of the data management system is warranted based on the historical distribution information, as recited in claim 18.

Rather, as discussed above, under normal operating conditions, Markham's PIPE Event Logger 58 logs events in a single database. Applicant is at a loss to understand why such logging would involve historical distribution information that identifies one or more components

of a data management system that have previously received some version of the data assembly. Indeed, PIPE Event Logger 58 is not understood to involve versions of events at all, much less historical distribution information as recited in claim 18.

Accordingly, claim 18 is not anticipated by Markham. Applicants thus request that the rejections of claim 18 and the claims dependent therefrom be withdrawn on this ground as well.

Claim 24

Claim 24 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Markham.

As amended, claim 24 relates to a computer program product, tangibly stored on one or more computer-readable storage devices. The computer program product comprises instructions. The instructions are operable to cause one or more processors to perform operations. The operations include receiving a data assembly identified for distribution to one or more target components in a data management system, extracting a characteristic of content of the data assembly, determining if distribution of at least a portion of the data assembly to a first target component of the data management system is warranted based on a comparison of the characteristic of the content with a characteristic of the first target component, making at least the portion of the data assembly available for distribution to the first target component in response to determining that distribution to the first target component is warranted, determining if distribution of at least the portion of the data assembly to a second target component of the data management system is warranted based on a comparison of the characteristic of the content

with a characteristic of the second target component, and making at least the portion of the data assembly available for distribution to the second target component in response to determining that distribution to the second target component is warranted.

Markham is not understood to disclose or to suggest features of claim 24. In this regard, Markham is not understood to disclose or to suggest determining if distribution of at least the portion of the data assembly to target components is warranted based on a comparison of the characteristic of the content with characteristics of the target components, as recited in claim 24.

Rather, as discussed above, under normal operating conditions, Markham's PIPE Event Logger 58 logs events in a single database. Applicant is at a loss to understand why such logging would involve the recited comparisons. Indeed, since only a single database is normally used, it is understood that Markham's PIPE Event Logger 58 does not compare a characteristic of the content with characteristics of the target components.

Accordingly, claim 24 is not anticipated by Markham. Applicants thus request that the rejections of claim 24 and the claims dependent therefrom be withdrawn on this ground as well.


CONCLUSION

Applicants' attorney can be reached at the address shown above. Telephone calls regarding this application should be directed to 858-678-4346.

In light of prior payment of the excess claims fee, no fees are believed due at this time. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 13907-056001.

Respectfully submitted,

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John F. Conroy
Reg. No. 45,485

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

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